

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

DENISE SCHMITT,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:14-CV-105
(GROH)**

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble, [ECF 15], filed on May 14, 2015, to which neither party filed objections.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must review *de novo* those portions of the magistrate judge’s findings to which the Plaintiff objects. However, failure to file objections permits the district court to review the R&R under the standards that the district court believes are appropriate, and if parties do not object to an issue, the parties’ right to *de novo* review is waived as to that issue. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979). Pursuant to Magistrate Judge Trumble’s R&R, as well as 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 6(d), objections were due fourteen plus three days after entry of the R&R, or Monday, June 1, 2015. Because no objections have been filed, this Court reviews the R&R for clear error.


Upon review of the above, it is the opinion of this Court that the Report and

Recommendation, [ECF 15], should be, and is, hereby **ORDERED ADOPTED**. The Court **ORDERS** that the Defendant's Motion for Summary Judgment, [ECF 10], be **GRANTED** and the Plaintiff's Motion for Summary Judgment, [ECF 9], be **DENIED**. The Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be stricken from this Court's active docket.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is directed to enter a separate order of judgment in favor of the Defendant.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: June 4, 2015



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE